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12 *Mountain Gate At Sunrise Mountain HOA*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 PALM AVENUE HIALEAH TRUST, A  
16 DELAWARE STATUTORY TRUST FOR  
17 AND ON BEHALF AND SOLELY WITH  
18 RESPECT TO PALM AVENUE HIALEAH  
19 TRUST, SERIES 2014-1,

20 Plaintiff,  
21 v.

22 SPINNAKER POINT AVENUE TRUST,  
23 RIVER GLIDER AVENUE TRUST,  
24 SATICOY BAY, LLC SERIES 5982  
25 SPINNAKER POINT AVENUE,  
26 ABSOLUTE COLLECTION SERVICES,  
27 LLC, AND MOUNTAIN GATE AT  
28 SUNRISE MOUNTAIN HOMEOWNERS  
ASSOCIATION

Defendants.

CASE 2:17-cv-00445-APG-EJY

**STIPULATION AND ORDER TO  
VACATE THE JUNE 26, 2023, TRIAL  
DATE**

The parties to this action, Plaintiff PALM AVENUE HIALEAH TRUST (**Palm Avenue Trust**), Defendant MOUNTAIN GATE AT SUNRISE MOUNTAIN HOMEOWNERS ASSOCIATION (the **HOA**) and Defendant SATICOY BAY LLC SERIES 5982 SPINNAKER POINT AVENUE (**Saticoy Bay**) stipulate to vacate the trial date currently set for June 26, 2023, to be reset after the resolution of Saticoy Bay's appeal of this court's order dated February 22,

1 2023, Order Granting in Part and Denying in Part Plaintiff's Motion for Summary [Doc.  
 2 140].

3 This order found in favor of Plaintiff Palm Avenue Trust ("Palm Ave") on its declaratory  
 4 relief and/or quiet title claims and as to all crossclaims alleged against Palm Ave but not on Palm  
 5 Ave's unjust enrichment claim. Defendant Saticoy Bay intends to appeal the decision regarding  
 6 the declaratory relief and/or quiet title claims, but in order to effectuate the appeal, the unjust  
 7 enrichment claim must be resolved. In that regard, the parties have entered into a tolling agreement  
 8 regarding the claims that remain pending after the Court's order granting Palm Ave's motion for  
 9 summary judgment, and Palm Ave will be filing a dismissal without prejudice of that claim shortly.  
 10 This in addition to a stipulated judgment approved by all the parties so to properly perfect this  
 11 matter for appeal.

12 Additionally, Plaintiff Palm Ave filed a *Motion for Assignment of Rents* on May 1, 2023.  
 13 That motion has been fully briefed. The parties are awaiting the Court's decision regarding the  
 14 *Motion for Assignment of Rents* before filing the appeal as the decision on the *Motion for*  
 15 *Assignment of Rents* may affect, or may be included in, the appeal.

16 Given the foregoing procedural posture, the parties request that the trial date currently set  
 17 for June 26, 2023, be vacated, and reset after the resolution of Saticoy Bay's appeal.

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 20 /s/ Patrick Kane  
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## ORDER

IT IS ORDERED that the trial date currently set for June 26, 2023 is vacated, to be reset after the resolution of Defendant Saticoy Bay's appeal of this court's order dated February 22, 2023, **Order Granting in Part and Denying in Part Plaintiff's Motion for Summary** [Doc. 140].

HON. ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE  
DATED: June 1, 2023

Respectfully submitted by:

## **BOYACK ORME & ANTHONY**

/s/ Patrick Orme

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